

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Inquiry of the Wireless)	GN Docket No. 04-163
Broadband Access Task Force)	
)	
Wireless Broadband Access Task)	
Force Seeks Public Comment)	
On Task Force Report)	

**COMMENTS OF
CTIA – THE WIRELESS ASSOCIATION™**

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**COMMENTS OF
CTIA – THE WIRELESS ASSOCIATION™**

CTIA – The Wireless Association™ (“CTIA”)¹ submits these comments in response to the Public Notice seeking comment on the report issued by the Commission’s Wireless Broadband Access Task Force (“Task Force”), *Connected & On the Go – Broadband Goes Wireless*.² The Report’s recommendations will facilitate investment in and deployment of wireless broadband.

I. INTRODUCTION AND SUMMARY

CTIA applauds the Task Force’s efforts and the Report’s recommendations. CTIA previously urged the Commission to “adopt a comprehensive, coordinated approach” for promoting wireless broadband offerings,³ and the Report makes an

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the organization covers Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

² See *Wireless Broadband Access Task Force Seeks Public Comment On Task Force Report*, GN Docket No. 04-163, Public Notice, DA 05-610 (Mar. 8, 2005); Wireless Broadband Access Task Force, Federal Communications Commission, *Connected & On the Go – Broadband Goes Wireless* (Feb. 2005) (“Report”).

³ Comments of CTIA, GN Docket No. 04-163, at 3 (filed June 3, 2004) (“Broadband Task Force Comments”).

important contribution by compiling many of the principles at issue in various proceedings and initiatives the Commission has undertaken in recent years.

The Report recognizes that wireless broadband, in all its various configurations, is growing significantly.⁴ Indeed, at the end of 2004, wireless carriers alone had approximately 1.4 million broadband U.S. customers.⁵ While still a very small part of the overall broadband market, the wireless market is poised for explosive growth. As the Report observed:

Over the past sixteen months, wireless carriers have begun to deploy broadband technologies on their mobile cellular networks operating on licensed spectrum, and many have announced plans to launch or expand these technologies in the near future. Using new technologies – such as CDMA 1xEV-DO (EV-DO), Wideband CDMA (WCDMA) (also known as UMTS), UMTS/HSDPA (High-Speed Downlink Packet Access), and Flash-OFDM (Orthogonal Frequency Division Multiplexing) – carriers are now, or later this year will be, providing wireless broadband services to millions of Americans at speeds ranging from 300 kbps to close to one Mbps. It is expected, for instance, that networks using EV-DO technologies will cover as many as 150 million Americans by the end of 2005.⁶

Verizon Wireless, for example, currently offers its EV-DO service in 32 markets across the country.⁷ The company indicates that customers using the network can connect at speeds of 300-500 kilobits per second (“kbps”) and the network is capable of

⁴ See Report at 16-46 (discussing different technologies and the extent of wireless broadband).

⁵ WILLIAM F. ADKINSON JR., ET AL., THE DIGITAL ECONOMY FACT BOOK, 2004 41 (citing Pew Internet & American Life Foundation).

⁶ Report at 4.

⁷ Verizon Wireless, *Verizon Wireless Expands Its Network and Rolls Out High Speed Broadband Service in Queens, NY*, Jan. 12, 2005, at <http://news.vzw.com/news/2005/01/pr2005-01-13.html>; Verizon Wireless, *Verizon Wireless Launches High-Speed Wireless Broadband Network in Tallahassee, Florida Area*, Feb. 28, 2005, at <http://news.vzw.com/news/2005/02/pr2005-02-28.html>.

reaching speeds over 2.0 megabits per second (“mbps”).⁸ Cingular, which has already deployed the Enhanced Data and Global Evolution (“EDGE”) technology to over 8,500 cities (with speeds up to 135 kbps),⁹ has stated that it will deploy UMTS/HSDPA in 2005, delivering average data speeds between 400-700 kbps and bursts of several mbps.¹⁰ Nextel has conducted a limited rollout of FLASH-OFDM technology.¹¹

The Report also appropriately emphasizes what differentiates wireless broadband from other broadband offerings – mobility and portability. The rapid growth of wireless broadband services underscores that mobility is, in fact, “the ‘X’ factor in the broadband equation.”¹² The innovative service offerings and applications available today via broadband wireless technologies illustrate how combining high-speed communications with the versatility of mobility is revolutionizing the way we live. Wireless broadband extends corporate Intranets to remote offices and mobile users. Unified messaging via web-based wireless access permits mobile phone users simultaneously to send and receive voicemail, email, and fax messages while talking on the same device. Smart cards enable users to surf the web and engage in real time transactions, obtain on-demand

⁸ *Id.* Verizon Wireless noted that the same high-speed service was to be available on select wireless handsets enabling V CAST multimedia services as of February 1, 2005. V CAST is a new technology that sends and plays streaming video content, such as news, weather, sports and entertainment programming to mobile phones. Consumers also can download and play three-dimensional games, music videos, short custom television programs and other applications. More recent press releases from Verizon Wireless indicate that typical download speeds for its BroadbandAccess service are 400-700 kbps.

⁹ *Cingular launches EDGE in the Carolinas*, MOBILE TECH NEWS, Dec. 14, 2004, at <http://www.mobiletechnews.com/info/2004/12/14/011643.html>.

¹⁰ *Cingular to Deliver 3G Wireless Broadband Services*, Nov. 30, 2004, at http://www.prnewswire.com/cgi-bin/micro_stories.pl?ACCT=088644&TICK=CINGUL1&STORY=/www/story/11-30-2004/0002555250&EDATE=Nov+30,+2004.

¹¹ *Nextel Testing Wireless Broadband Service; Market Trial in Raleigh-Durham, N.C. to Evaluate Flarion’s FLASH-OFDM Technology, Service Offering and Market Demand*, Feb. 6, 2004, at <http://phx.corporate-ir.net/phoenix.zhtml?c=63347&p=irol-newsArticle&t=Regular&id=492688&>

¹² *See* Broadband Task Force Comments at 3.

stock quotes, or check airline schedules. Mobile subscribers today can watch video of news, sports events, or even soap operas.

The Task Force's recommendations will facilitate the deployment of wireless broadband deployment. In particular, CTIA urges the Commission to take action to implement the following objectives:

- Make new licensed spectrum available via sound spectrum management;
- Continue to promote flexible service and technical rules;
- Promote the use of secondary markets that rely on voluntary arrangements; and
- Facilitate a market-based, deregulatory federal approach with minimal state-level regulatory requirements.

II. THE REPORT'S SPECTRUM POLICY RECOMMENDATIONS WOULD FACILITATE WIRELESS BROADBAND DEPLOYMENT

In its earlier comments in this proceeding, CTIA set forth three basic, interrelated principles to foster investment in and expanded deployment of wireless broadband service: (1) implement a stable regulatory environment that relies primarily on market forces and avoids intrusive regulation of new and evolving technologies and services; (2) utilize the exclusive use, flexible rights license model; and (3) govern wireless broadband services via nationwide federal policy rather than state-by-state regulation.¹³ Overall, the Task Force's recommendations promote these objectives – although caution is warranted in some instances, as discussed below.

¹³ *Id.* at 3-4.

A. Access to Spectrum

As the Task Force recognized, the availability of sufficient spectrum is a “crucial ingredient” to wireless broadband.¹⁴ Importantly, the Task Force acknowledged the significance of facilitating access to licensed spectrum,¹⁵ which offers significant benefits to service providers by ensuring a predictable spectrum environment and protection from interference. These benefits spur investment and innovation which, in turn, result in services and offerings that enhance the consumer experience. CTIA generally supports the Report’s spectrum recommendations

1. The Commission Should Expedite the DTV Transition

The Task Force is well aware of the significant interest in gaining access to the 700 MHz band, and it recommends that the Commission “make every effort to ensure the availability of this spectrum in the most expeditious manner possible,” including working with Congress to impose a hard deadline on the DTV transition.¹⁶ CTIA supports a deadline of December 31, 2006 for completion of the DTV transition.

The favorable propagation characteristics and the significant spectrum blocks that will become available once the DTV transition is complete make the 700 MHz spectrum band ideal for wireless broadband applications. CTIA acknowledges that challenging public policy choices lie ahead, but the increasing public demand for wireless broadband services, as well as the public safety benefits expected from the adjacent public safety spectrum, provides a compelling public interest basis for completing the DTV transition as expeditiously as possible.

¹⁴ Report at 46.

¹⁵ *Id.* at 61.

¹⁶ *Id.* at 62.

The Task Force also recommends that the Commission consider “additional mechanisms for allowing 700 MHz channels to be used for wireless broadband services before the completion of the DTV transition.”¹⁷ While such measures should be considered, CTIA notes that Congress and the Commission have previously recognized it would be ill-advised to hold an auction for this spectrum prior to resolution of the DTV transition; instead, the Commission should act only after uncertainty is resolved as to when the 700 MHz spectrum will become available for buildout.

2. The Commission Should Streamline the Allocation and Assignment Process

CTIA supports the Report’s call for “explor[ing] innovative ways to improve and streamline the process of allocating and assigning licensed spectrum.”¹⁸ For example, CTIA submits that in many cases the Commission can concurrently allocate spectrum and consider service-specific operating rules and technical or engineering issues. As the Task Force notes, the Commission’s recent experience in the Advanced Wireless Services (“AWS”) proceeding underscores the potential benefits of such an approach.¹⁹

The Commission should be wary, however, of the suggestion to resolve technical disputes over allocation schemes at auction “by using competitive bidding to determine the band plan most highly valued by prospective licensees.”²⁰ As a general rule, Commission-established band plans and technical parameters serve the market’s interest

¹⁷ *Id.* at 62.

¹⁸ *Id.* at 61.

¹⁹ *Id.* at 61 & n.203.

²⁰ *See id.* (citing *Amendment of Part 22 of the Commission’s Rules To Benefit the Consumers of Air-Ground Telecommunications Services*, Report and Order and Notice of Proposed Rulemaking, FCC 04-287 (rel. Feb. 22, 2005)).

in regulatory certainty. A complex scheme of alternative band plans and aggregate bids creates significant uncertainty in the spectrum marketplace and limits a bidder's ability to control its own destiny. Separately, to the extent that the Commission pursues revised competitive bidding methodologies such as package or combinatorial bidding, it should conduct adequate testing and outreach, and obtain some experience with such licensing mechanisms on a limited basis before imposing a theoretical construct on large, valuable spectrum blocks.

Finally, CTIA supports the Task Force's recommendation to "further automate the process of licensing spectrum in order to shorten the amount of time between the auction and licensing."²¹ Licensees and Commission staff alike have benefited enormously from the efficiencies resulting from the Commission's use of the Internet and other technologies in licensing matters. There are nonetheless additional measures that would reduce the time between the auction and ultimate licensing of spectrum. As the Report notes, one method of streamlining the auction application process is to eliminate duplicative pre- and post-auction reporting requirements.²² This information is reviewed both prior to the auction, in connection with the Public Notice announcing the applicants qualified to participate in the auction, and again after the auction. The Commission should require this information to be reported and reviewed only one time. This would

²¹ *Id.* at 61.

²² For example, auction applicants are required to provide, both in their short-form and long-form applications: their name, address and legal classification; an indication of their status as an entrepreneur and/or eligibility for bidding credits, including detailed asset and revenue information; contact information; information regarding their eligibility to hold the licenses included on the application; detailed ownership information; information on bidding consortia and agreements pertaining to bids, bidding strategy, or post-auction market structure; certification regarding compliance with foreign ownership limitations or an indication that they have a request pending to exceed such limitations; information regarding whether they are owned or controlled by women or members of minority groups; and waiver requests. FCC Form 175, Application to Participate in an FCC Auction (short-form application); FCC Form 601, Application for Wireless Telecommunications Bureau Radio Service Authorization (long-form application).

reduce the timeframe between the close of the auction and the release of the Public Notice announcing which long-form applications have been accepted for filing – and, ultimately, it would reduce the timeframe for licensing. Further, the Commission should condense the time period between short form filing and commencement of an auction in order to minimize the disruption to bidders’ routine business operations.

3. The Commission’s Spectrum Management Policies Should Maximize Predictability of the Spectrum Environment

CTIA has consistently urged the Commission to engage in “a more systematic longer term spectrum planning process.”²³ Indeed, a predictable spectrum environment is a key aspect of spectrum management policy. Predictability regarding when spectrum can be had, how much will be made available, and in what bands will help promote investment and further deployment of wireless broadband. Further, access to licensed spectrum continues to be of great import – and increasingly so as market participants seek to deploy new spectrum-intensive broadband applications. Thus the Commission should promote spectrum predictability by engaging in longer term spectrum planning and by providing the public with adequate notice and intervals between upcoming auctions. In this way, potential bidders can plan and budget for future spectrum acquisitions – whether by auction or, if spectrum in a particular market will not be available at auction, by efforts in the secondary market. Ultimately, policies that maximize predictability in the spectrum environment will help advance the deployment of wireless broadband, to the benefit of consumers.

²³ Comments of CTIA, ET Docket 02-135, at 3 (filed Jan. 27, 2003) (“Spectrum Policy Task Force Comments”).

The Commission's own experience underscores that uncertainties with respect to spectrum accessibility militate against auctioning a particular spectrum band if there are substantial questions regarding when and under what terms winning bidders can access the spectrum. As noted above, Congress and the Commission recognized that the DTV transition hurdle created such uncertainty that early auction of the 700 MHz band would not serve the public interest. Alternatively, the Commission's experience with the Wireless Communications Service ("WCS") spectrum at 2.3 GHz provides an example of what can happen when the Commission and the market are rushed into an auction in which there are many uncertainties associated with the spectrum environment. Thus, the Commission should manage its spectrum planning and auction schedules in a way that provides as much predictability of the spectrum environment as possible.

B. Flexibility In Spectrum Management

1. The Commission Should Continue to Support Flexible Service and Technical Rules

CTIA supports the recommendation that the Commission pursue "the general adoption of a more flexible and market-oriented approach to spectrum policy."²⁴ More specifically, the Task Force urged the Commission to "provide spectrum users with the maximum flexibility to determine the uses or services to be provided on the spectrum, and the ability to choose a technology that would be best for that spectrum ... subject only to limitations that may be necessary to afford others reasonable access to spectrum

²⁴ Report at 64.

and to address any technical concerns.”²⁵ CTIA strongly supports this view – the flexible use policy established initially in the PCS service has been a resounding success.²⁶

The public interest benefits of a flexible use spectrum management model are well established. Flexible use can improve access to spectrum and promote efficiency. Coupled with the exclusive use licensing regime, the flexible use policy has spurred investment and innovation, resulting in the deployment of new technologies and innovative services, the expansion of capacity in response to growing demand, and opportunities to respond to market forces without regulatory lag. As technology improvements enable licensees to use their existing spectrum resource more intensively and efficiently, flexible use requirements should evolve accordingly – albeit with necessary protections against harmful interference. For example, CTIA supports the Commission’s recent decision to double the cellular, broadband PCS and AWS power limits for base stations located in rural areas, thereby enabling wireless carriers to expand coverage more efficiently.²⁷ Similarly, CTIA urges the Commission to act promptly and adopt CTIA’s proposal in the *2002 Biennial Review* proceeding to modify the Broadband PCS and AWS base station power limits, which will provide opportunities for new technologies without creating any increased risk of interference.²⁸ Such changes are now

²⁵ *Id.* at 64-65.

²⁶ CTIA supports the recommendation based on the understanding that the reference to “afford[ing] others reasonable access to spectrum,” *id.* at 65, relates to protecting the rights of adjacent and co-channel licensees and does not suggest the introduction of underlays or easements that would undermine exclusive use licensing.

²⁷ *See Facilitating the Provision of Spectrum-Based Services to Rural Areas and Promoting Opportunities for Rural Telephone Companies To Provide Spectrum-Based Services*, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 19078, 19127-32 (2004).

²⁸ *See* Letter to Marlene H. Dortch, Secretary, FCC, from Paul Garnett, Director, Regulatory Policy, CTIA, WT Docket No. 03-264 (filed Oct. 20, 2004); Letter to Marlene H. Dortch, Secretary, FCC, from Paul Garnett, Director, Regulatory Policy, CTIA, WT Docket No. 03-264 (filed Feb. 7, 2005).

feasible under currently available technology and can be implemented without resulting in harmful interference to other licensees.

Where spectrum is underutilized, the Commission should consider whether the most efficient approach is to reallocate the relevant spectrum block. Although reallocation was not a focus of the Report, it is a critically important component of the Commission's spectrum management authority. The quintessential example of spectrum reallocation producing a public good involves the Commission's Broadband PCS experience. The Commission reallocated spectrum from fixed wireless links to Broadband PCS and established a clear relocation glidepath for incumbent fixed service licensees, providing unambiguous rights to spectrum use and reimbursement for relocation costs that were gradually phased out over several years. Bidders at auction were able to factor the incumbents' rights into their bidding and buildout strategies and, critically, were able to clear the spectrum and promptly initiate service on an exclusive use basis.

Reallocation thus provides a more certain regulatory and spectrum environment that enables parties to value the spectrum at auction and, once the spectrum is obtained, use it more effectively and efficiently. The Commission should explore options for clearing spectrum in a "win-win" manner that inures to the benefit of both incumbents and new entrants. CTIA hails Congress for its action last year in enacting spectrum relocation legislation, which allows auction proceeds to be used to relocate U.S. Government incumbents to alternative spectrum.²⁹ CTIA also agrees with the Task Force

²⁹ See National Telecommunications and Information Administration Organization Act – Amendment, Pub. L. No. 108-494, §§ 202-209, 118 Stat. 3986 (2004) (enacting the Commercial Spectrum Enhancement Act).

that the Commission should consider alternative market-based auction mechanisms, such as two-sided auctions and auctions in which incumbents exchange licenses for tradable bidding offset credits.³⁰ Such approaches might facilitate the transition to a more economically efficient use of spectrum. CTIA cautions, however, that the Commission should proceed slowly with any consideration of overlay auctions, which could create regulatory uncertainty for licensees and undermine the value of spectrum rights.

If spectrum reallocation is not an option, the Commission may wish to afford incumbent licensees additional service flexibility in limited circumstances. However, granting unbridled additional flexibility to incumbents may result in spectrum inefficiency rather than the assignment of flexible use spectrum to parties that value it most, and thus should be evaluated with care.

2. The Commission Should Explore Asymmetric Spectrum Pairing as an Option for Furthering Broadband Offerings

The Task Force also recommends that the Commission provide sufficient flexibility “to allow, but not require, pairing between asymmetric bands.”³¹ The goal would be to allow an operator to “combin[e] multiple spectrum bands to form a single service.”³²

CTIA generally supports this recommendation – indeed, CTIA advocated an asymmetric band plan in the 1.7/2.1 GHz AWS spectrum “because many advanced wireless applications will require more spectrum for base transmit paths than for mobile

³⁰ See Report at 65.

³¹ *Id.* at 63.

³² *Id.*

transmit.”³³ The current reality of many broadband offerings is that downstream traffic requires substantially more bandwidth than upstream traffic – in mobile terms, base station transmit paths require more spectrum than mobile transmit. Additionally, technologies such as time division duplex (“TDD”) do not require paired spectrum in the first instance. The Commission should pursue these spectrum band options but must remain cognizant of the potential technical limits to unpaired spectrum bands or asymmetric pairing, and be careful to prevent the potential for harmful interference.

3. The Commission Should Continue Efforts to Pursue Spectrum Allocations Consistent with International Allocations

CTIA agrees with the Task Force that the Commission “should continue its efforts to allocate spectrum that is in harmony with international spectrum allocations.”³⁴ Given the rapid growth of wireless services worldwide, U.S. consumers benefit most if their carriers and equipment manufacturers are able to take advantage of economies of scale, *e.g.*, where there is global or significant harmonization in spectrum allocations. While it is not always possible to harmonize spectrum allocations, this should continue to be a goal of U.S. spectrum management. CTIA thus supports the Task Force recommendation that the Commission continue its efforts to allocate spectrum in a way that is harmonized as much as possible with international allocations.

C. The Commission Should Continue to Encourage Secondary Markets

The Task Force recommends that the Commission continue to monitor secondary markets in spectrum and, if appropriate, support further revisions to foster spectrum

³³ Comments of CTIA, ET Docket No. 00-258, at 6 (filed Apr. 14, 2003).

³⁴ Report at 62.

leasing arrangements and to improve policies for “private commons” arrangements.³⁵

CTIA applauds the Task Force’s statement in support of the development of secondary markets in spectrum insofar as the Commission seeks to foster secondary markets that involve voluntary arrangements among parties.³⁶

As CTIA has noted previously, it is important that exclusive use licensees control secondary market rights in their spectrum. In this way, licensees can control the amount of in-band interference to their operations, thereby providing the certainty necessary to invest in their networks and deploy innovative technologies and services.³⁷ In this regard, the Commission can and should “improve policies applicable to private commons arrangements.”³⁸ Specifically, the Commission should take steps to ensure that operations under the private commons model are limited to services within the geographic area subject to the secondary markets arrangement – and are restricted from migrating into, and causing interference within, a non-participating licensee’s spectrum area. As CTIA proposed in response to the *Secondary Markets Second Further Notice of Proposed Rulemaking*, any device used in a private commons arrangement should contain an element of positive control that prevents it from operating in unauthorized spectrum or geographic areas.³⁹

³⁵ See *id.* at 65-66.

³⁶ CTIA does not support a secondary markets approach that involuntary grants access to licensed spectrum, such as the spectrum underlay or easement concepts identified by the Commission’s Spectrum Policy Task Force. See Spectrum Policy Task Force Comments at 10-13, 19-22.

³⁷ See CTIA Comments, WT Docket 00-230, at 2-3 (filed Jan. 18, 2005) (“Secondary Markets Comments”).

³⁸ See Report at 66.

³⁹ Such measures could include rules that require either the equipment itself or the base station with which the equipment communicates to prevent unauthorized operations via its own intelligence and rules

III. THE REPORT APPROPRIATELY RECOGNIZES THAT REGULATORY FRAGMENTATION MAY HINDER WIRELESS BROADBAND GROWTH AND MAKES IMPORTANT RECOMMENDATIONS THAT WILL FACILITATE WIRELESS BROADBAND DEPLOYMENT

CTIA strongly supports the Task Force’s recommendation “that the Commission apply a deregulatory framework – one that minimizes regulatory barriers at both the federal and state levels – to wireless broadband services.”⁴⁰ CTIA further agrees with the determination that extensive, inconsistent or burdensome state regulations, including regulations that attempt to micromanage operational and consumer-related issues, can create disincentives to wireless broadband deployment and inhibit innovation in services.⁴¹ CTIA believes that the Task Force accurately concluded “that additional regulatory certainty, through the establishment of a consistent national framework applicable to wireless broadband services, will best ensure the rapid and ubiquitous deployment of these services.”⁴² As the Task Force Report reveals, wireless broadband is poised for explosive growth. To avoid hobbling this growth, the Commission must ensure that wireless broadband is subject to a *federal* regulatory framework that is *deregulatory* in scope.

It is clear that the Commission should conclude that wireless broadband is an inherently interstate service – regardless of whether wireless broadband is classified as an information service or a telecommunications service.⁴³ As the Task Force explained,

that enable private commons managers to shut down operations causing harmful interference. *See* Secondary Markets Comments at 4-5.

⁴⁰ Report at 66.

⁴¹ *Id.* at 68.

⁴² *Id.* at 66.

⁴³ *Id.* at 70-71.

consistent with the *Vonage* decision regarding VoIP services,⁴⁴ “it may be difficult to separate wireless broadband by jurisdiction such that state regulation would not infringe on these federal policies. In particular, the portable and mobile features of wireless broadband could make it impractical to determine the geographic locations of users, or wireless broadband providers may have no service driven reason to determine their users’ locations.”⁴⁵ CTIA agrees with this observation and emphasizes that one of the most important steps the Commission can take to promote wireless broadband is to affirm a national regulatory framework.

To avoid impeding the potential for explosive growth in wireless broadband, the Commission also must ensure that wireless broadband services are subject to a *deregulatory* structure – a “light regulatory touch.” The Task Force acknowledged that wireless broadband can best develop under a federal deregulatory framework, “absent unnecessary legacy regulations, [that] will best foster the growth of these services and result in the maximum benefits to consumers of such services.”⁴⁶ In the competitive market for broadband, economic regulation is unwarranted, particularly at the retail level.⁴⁷

As part of its role in ensuring that wireless broadband is subject to a deregulatory structure, the Commission must ensure that wireless broadband is not hindered by monopoly-era regulatory requirements that currently discriminate against wireless

⁴⁴ See *Vonage Holdings Corporation, Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission*, Memorandum Opinion and Order, 19 FCC Rcd 22404 (2004).

⁴⁵ Report at 70-71.

⁴⁶ *Id.* at 68.

⁴⁷ See, e.g., Comments of CTIA, WC Docket No. 04-36 at 8-11 (filed May 28, 2004).

technology. Intercarrier compensation and universal service are the most notable examples. The current intercarrier compensation regime perpetuates a system of overpriced access charges that wireline carriers may insist upon, but wireless carriers cannot.⁴⁸ The Commission also has yet to act to affirm wireless carriers' rights to nondiscriminatory local interconnection with wireline carriers.⁴⁹ The Commission must ensure that such infirmities in the existing intercarrier compensation regime are not inflicted on the nascent wireless broadband marketplace. Similarly, the existing universal service system is skewed in favor of wireline providers. Just as wireless carriers are deploying high-quality, affordable services to traditionally underserved consumer groups, the Commission recently subjected wireless high-cost and low-income universal service recipients to discriminatory qualification and reporting requirements.⁵⁰

The Task Force Report demonstrates that wireless broadband stands at the threshold of explosive potential growth, but that growth potential is threatened by an uncertain regulatory regime. The Commission can best foster wireless broadband by ensuring that it is subject to a national regulatory framework – and a light regulatory touch.

⁴⁸ *Petitions of Sprint PCS and AT&T Corp. for Declaratory Ruling Regarding CMRS Access Charges*, Declaratory Ruling, 17 FCC Rcd 13192 (2002).

⁴⁹ *Comment Sought on Sprint Petition for Declaratory Ruling Regarding the Routing and Rating of Traffic by ILECs*, Public Notice, 17 FCC Rcd 13859 (2002); see also *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, Further Notice of Proposed Rulemaking, FCC 05-33, at ¶¶ 91-97 (rel. March 3, 2005) (again seeking comment on these issues).

⁵⁰ *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report & Order, FCC 05-46 (rel. Mar. 17, 2005).

IV. CONCLUSION

For the foregoing reasons, CTIA generally applauds the Report and urges the Commission to implement the Task Force's recommendations with very limited exceptions. Wireless broadband service is a reality in many markets and is being deployed rapidly in markets nationwide. The wireless platform promises to be a ubiquitous, competitive offering that provides service and price competition to legacy networks. The Commission should foster sound spectrum management policies and remove regulatory obstacles to wireless broadband investment and deployment.

Respectfully submitted,

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